

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12496 of the Associated Catholic Charities of the Archdiocese of Washington, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a non-conforming use from a home for dependent children (Eleemosynary institution) to a day care center for the elderly in the R-1-B District at the premises 2800 Otis Street, N. E., (Square 4302, Lots 64, 65, 67 and Parcel 167/68).

HEARING DATE: October 19, 1977

DECISION DATE: October 19, 1977 (Bench Decision)

Findings of Fact:

1. The subject property is located at 2800 Otis Street, N. E. and is in an R-1-B District.
2. The property consists of approximately fifteen to sixteen acres and is improved with buildings that since 1960 were used as an orphan home and school for boys between the ages of five and thirteen with a capacity of approximately sixty per year. The home was closed on January 31, 1967 when it was found that there was a decreasing need for this type of facility.
3. By BZA Order No. 9734, issued August 29, 1968, permission was granted to change the non-conforming use from an orphan home and school to a day care center for children between the ages of three and six during regular school hours.
4. The applicant now seeks permission to use the basement of the subject premises, consisting of four rooms, as a day care center for the elderly. This use is in addition to the present use of the day care center for children which is conducted on floors other than the basement of the subject building.
5. Applicant plans to offer temporary care to people over 65 years of age who, because of accident or illness are unable to care for themselves and need help in returning to their normal way of living.

6. The program has three components, social service, health and recreational therapy.

7. The staff includes a social worker an occupational therapist, a nurse, a recreational director and a corps of trained volunteers.

8. The number of people to be accomodated will be twenty. There will be two full-time staff and four part-time staff and volunteers.

9. The hours of operation will be from 8:00 a.m. to 5:00 p.m.

10. Where families of the patient cannot provide transportation the center will arrange to pick-up and return the patients. The day care center now uses a station wagon but anticipates that it will have a ten passenger hydraulic lift bus obtained through the Washington Transportation Alliance. The bus will make only two trips a day.

11. Patients will come from the immediate Washington area. Referrals are made by hospital social service departments, physicians, nursing home personnel, families and individuals themselves. There are no restrictions regarding race or religion.

12. There will be no structural changes in the subject building.

13. The Zoning Administrator testified that the aforesaid St. Joseph's Home as an eleemosynary institution was at the subject location prior to zoning. It constituted a non-conforing use. That use was for the entire building except for the basement. The basement was never granted the non-conforming use for a day center. Thus the applicant must seek a special exception for its proposed intended use as a day center for the elderly. The applicant would have to seek the permission of the BZA everytime it wished to change a particular use in the subject building.

14. The Advisory Neighborhood Commission from single member district 5A-12 was in favor of the application. The Commission appeared for the purpose of having clarified the reason why the applicant now needed to appear before the Board for a special exception since the already existing use was merely adding a further use to its program as a day care center. As aforementioned the Zoning Administrator clarified the issue. The Commission stated that the

Woodbridge Civic Association also recommended approval of the application.

15. There was no opposition to the application.

Conclusions of Law:

The Board is of the opinion that the activities of the proposed day care center for the elderly are such that they are not likely to become objectionable to nearby and adjoining property because of noise, traffic, number of children or other objectionable conditions. The subject property has been in existence for many years and during that time it has been devoted to many eleemosynary uses with no known complaints. The Board concludes that the granting of the application will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said zoning regulations and maps. Accordingly, it is ORDERED that the application is GRANTED.

VOTE:

5-0 (Charles R. Norris, Walter B. Lewis, Chloethiel Woodard Smith, William F. McIntosh and Leonard L. McCants).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 17 NOV 1977

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.